

Appl. No. : 10/829,023
Filed : April 20, 2004

REMARKS

In the Office Action mailed September 10, 2004, the Examiner rejected Claims 1-8, 13-27 and 30. The Examiner also indicated that Claims 9-12 and 28-29 would be allowable if rewritten in independent form, including all limitations of the base claim and any intervening claims. In the present Amendment and Response to Office Action, Applicant has amended Claims 1 and 19. Applicant respectfully requests entry of the amendments and full consideration of the remarks contained herein.

Allowable Subject Matter

Applicant would like to thank the Examiner for indicating that dependent Claims 9-12 and 28-29 would be allowable if rewritten in independent form. Applicant respectfully declines to amend these dependent claims. Rather, Applicant submits that these dependent claims are allowable in view of the remarks and amendments to independent Claims 1 and 19, as discussed below.

Amendments to the Claims

Applicant has amended the claims to further clarify the subject matter that Applicant regards as the invention. For example, independent Claim 1 has been amended to recite that the “*sampled values reflect actual resource consumption of a consumable at the points in time that the values are sampled*” and the computer software is “configured to sum the sampled values of the parameter *taken over a period of time* so as to obtain a value of a cumulative resource consumption of the consumable *over the period of time*.” (emphasis added). Support for this language can be found in the Application as originally filed. *See, e.g.*, the Application, pp. 5-6, as originally filed. In view of the amendments to independent Claim 1, dependent Claims 3-5 have been amended to recite “sampled values,” rather than “values” to better reflect the antecedent basis of this term.

Applicant has also amended dependent Claims 6-9 to remedy obvious typographical and grammatical errors. In particular, the term “parameters” has been replaced with “parameter” to agree with the singular form of the antecedent basis of this term in independent Claim 1.

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Applicant has also amended independent Claim 19 to recite that “calculating comprises computing a total resource consumption over a time interval.” Support for this language can be found in the Application as originally filed. *See, e.g.*, the Application, pp. 5-6, as originally filed.

Accordingly, Applicant respectfully submits that the amendments add no new matter and are fully supported by the application as originally filed.

Rejections Under 35 U.S.C. § 102(a)

The Examiner has rejected Claims 1-8, 13-27 and 30 as being anticipated by Reiss *et al.* (U.S. Publication No. 2002/0055801).

Applicant respectfully submits that the claims, as amended herewith, distinguish the art of record.

Initially, Applicant notes that independent Claim 1 now recites that the computer software is “configured to sum the sampled values of the parameter taken over a period of time so as to obtain a value of a *cumulative* resource consumption of the consumable *over the period of time*.” (emphasis added). Likewise, independent Claim 19 now recites “calculating cumulative resource consumption” and that “calculating comprises computing a *total* resource consumption *over a time interval*.” (emphasis added).

Rather than discussing resource consumption, Reiss *et al.* concerns the detection of fault conditions. To determine the operating status of a processing tool at a particular moment of time, Reiss *et al.* teaches combining a plurality of operational parameters to calculate vectors and composite indices, which are used to sense a fault condition. *See, e.g.*, Reiss *et al.*, abstract, and paragraphs [0011]-[0012] and [0050]-[0054]. Given its focus on detecting fault conditions, which typically involves collecting accurate *instantaneous* values for various parameters in order to quickly halt a process run that exhibits a fault, nowhere does Reiss *et al.* teach *summing* values collected *over a given period of time* to “obtain a value of a *cumulative* resource consumption of the consumable over the period of time” or “computing a *total* resource consumption over a time interval.” (emphasis added). Consequently, Reiss *et al.* simply does not teach the same type of data manipulation recited by independent Claims 1 and 19; Reiss *et al.* does not teach obtaining “a value of a cumulative resource consumption of the consumable over the period of time” or “calculating comprises computing a total resource consumption over a

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time period” as recited by independent Claims 1 and 19, respectively. As such, Applicant respectfully submits that independent Claims 1 and 19 are not anticipated by Reiss *et al.*

Rejection Under 35 U.S.C. § 103

The Examiner has rejected Claims 20-21 as being unpatentable over Reiss *et al.* in view of Balasubramhanya *et al.* (U.S. Patent No. 6,368,975). Reiss *et al.* is asserted for teaching the features of Claim 19 and Balasubramhanya *et al.* is asserted for teaching the features of Claims 20-21.

In view of the amendments to Claim 19 and the remarks above, Applicants respectfully submit that the rejections of Claims 20-21 for obviousness are moot. Moreover, Applicants submit that Claims 20-21 are non-obvious over the art of record, as the art of record does not teach or suggest, *inter alia*, “computing a total resource consumption over a time interval,” as discussed above.

Accordingly, Applicants submit that the pending claims are allowable over the art of record. Applicants have not addressed the rejections of all dependent claims as being moot in view of the amendments and remarks herein. However, Applicants expressly do not acquiesce in the Examiner’s findings not addressed herein. Indeed, Applicants submit that the dependent claims not addressed herein recite further novel and non-obvious features of particular utility.

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CONCLUSIONS

In view of the foregoing amendments and remarks, Applicants request entry of the amendments and submit that the application is in condition for allowance and respectfully request the same. If some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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